

EXHIBIT “B-1”

CIVIL - 50

ANNE-MARIE ADAMS
CLERK OF THE CIRCUIT COURT
TENTH JUDICIAL CIRCUIT OF ALABAMA
400 JEFFERSON COUNTY COURTHOUSE
BIRMINGHAM, ALABAMA 35203

FILED IN OFFICE

FEB 11 2011

CIRCUIT CLERK
BESSEMER DIVISION
JEFFERSON COUNTY, ALABAMA

DATE: November 2, 2010

TO: Clerk of Bessemer Division

RE: CV 2010-903289 Federal Natl Mortgage vs Stephenson Tyrone & Donald Tyeshia

Dear Clerk:

The following case has been transferred to your county, pursuant to Judge Vance's order dated October 13, 2010. The following documents are included:

1. Cover letter
2. Payment history

The electronically filed case is as it appears in the AlaCourt system.

When you receive this transfer, please immediately send notification to pamela.smith@alacourt.gov. If you have any questions, please call (205) 325-5355.

Sincerely,

Anne-Marie Adams

Anne-Marie Adams
Circuit Clerk

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION

FEDERAL NATIONAL MORTGAGE)
ASSOCIATION,
Plaintiffs,

v.

STEPHENSON TYRONE,
DONALD TYESHIA,
Defendants.

} Case No.: CV-2010-903289.00

ORDER

MOTION TO TRANSFER filed by FEDERAL NATIONAL MORTGAGE ASSOCIATION is hereby GRANTED. The Clerk of the Court is directed to make prompt arrangements for the transfer of this action to the Bessemer Division.

DONE this 13th day of October, 2010.

/s ROBERT S. VANCE
CIRCUIT JUDGE

State of Alabama
Unified Judicial System
Form U-34 Rev 6/88

SUMMONS
"CIVIL"

Case Number:
01-CV-2010-903289.00

IN THE CIVIL COURT OF JEFFERSON, ALABAMA
FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON

TYRONE STEPHENSON, 1808 CLARENDON AVN, BIRMINGHAM, AL 35209

NOTICE TO

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY GREGG DEITSCH

WHOSE ADDRESS IS 2811 HIGHLAND AVENUE SOUTH, BIRMINGHAM, AL 35205

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.
TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

Service by certified mail of this summons is initiated upon the written request of _____
pursuant to the Alabama Rules of the Civil Procedure

09/2010 2:00:39 PM
Date

/s ANNE-MARIE ADAMS
Clerk/Register

By _____

Certified mail is hereby requested

Plaintiff's/Attorney's Signature

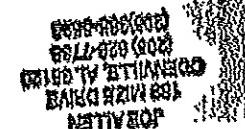
RETURN ON SERVICE

Return receipt of certified mail received in this office on _____

I certify that I personally delivered a copy of the Summons and Complaint to Frank Ferguson ~~Jefferson County, Alabama~~ on 9/9/2010

9/9/2010
Date

Signature



01-CV-2010-903289.00

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON

C001 - FEDERAL NATIONAL MORTGAGE ASSOCIATION v. D001 - TYRONE STEPHENSON
Plaintiff Defendant

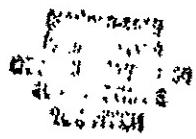
FILED IN OFFICE

SEP 14 2010

ANNE-MARIE ADAMS SERVICE RETURN COPY
Clerk



Rec'd 9/
9/9 left note



Tyeshia Donald

205-746-3546

| | | |
|--|---|--|
| State of Alabama Unified Judicial System Form ARClv-93 Rev.6/00 | COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases) | Case Number: 01-CV-201 Date of Filing: 09/09/2010 |
| GENERAL INFORMATION | | |
| IN THE CIRCUIT OF JEFFERSON COUNTY, ALABAMA FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON | | |
| First Plaintiff: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other | First Defendant: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other | |
| NATURE OF SUIT: | | |
| TORTS: PERSONAL INJURY | | |
| <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wanfonnes <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other | | |
| OTHER CIVIL FILINGS (cont'd) | | |
| <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP-Contempt of Court <input checked="" type="checkbox"/> CONT-Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction/Election Contest/Quel Title/Sale For Division <input type="checkbox"/> CVUD-Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ-Foreign Judgment <input type="checkbox"/> FORF-Fruits of Crime Forfeiture <input type="checkbox"/> MHHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PPAB-Protection From Abuse <input type="checkbox"/> FELA-Railroad/Seaman (FELA) <input type="checkbox"/> RPRO-Real Property <input type="checkbox"/> WTEG-Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP-Workers' Compensation <input type="checkbox"/> CVXX-Miscellaneous Circuit Civil Case | | |
| OTHER CIVIL FILINGS | | |
| <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults In Need of Protective Services | | |
| ORIGIN: <input checked="" type="checkbox"/> INITIAL FILING <input type="checkbox"/> REMANDED | <input type="checkbox"/> APPEAL FROM DISTRICT COURT <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT | <input type="checkbox"/> OTHER |
| HAS JURY TRIAL BEEN DEMANDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| RELIEF REQUESTED: <input type="checkbox"/> MONETARY AWARD REQUESTED <input checked="" type="checkbox"/> NO MONETARY AWARD REQUESTED | | |
| ATTORNEY CODE: DEI001 | | 9/9/2010 2:05:44 PM |
| /s GREGG DEITSCH | | |
| MEDIATION REQUESTED: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Undecided | | |

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
(BESSEMER DIVISION)

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| FEDERAL NATIONAL MORTGAGE ASSOCIATION, | * |
| Plaintiff, | * |
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| | CASE NO. |
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| TYRONE STEPHENSON, | * |
| Defendant, | * |
| | * |
| | * |

COMPLAINT

COMES NOW the Plaintiff in the above-styled cause and represents unto this Honorable Court as follows:

1. Plaintiff, Federal National Mortgage Association, is qualified to do business in Alabama and doing business in Jefferson County, Alabama.
2. Defendant, Tyrone Stephenson, is over the age of 19 years and is a resident citizen of Jefferson County, Alabama.
3. Plaintiff avers that by virtue of foreclosure on August 5, 2010, of that certain Mortgage originally between Tyrone Stephenson and Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for America's Wholesale Lender, said mortgage having subsequently been transferred and assigned to Countrywide Home Loans Servicing, L.P. and the property further purchased by Federal National Mortgage Association, Federal National Mortgage Association is the owner of the following-described real property located and situated in Jefferson County, Alabama, to wit:

The Northwest 130 feet of Lot 10, Block 118, according to Bessemer Land Improvement Company Survey of the City of Bessemer, as recorded in Map Book 5, Page 75, in the Birmingham Division of the Probate Office of Jefferson County, Alabama; being situated in Jefferson County, Alabama, Bessemer Division,

Also known as 1805 Clarendon Ave, Bessemer, AL 35020-5843

However in the event of a discrepancy between the legal description and street address, the legal description shall control.

A copy of the Foreclosure Deed is attached hereto, incorporated by reference and designated as Exhibit "A".

4. Plaintiff avers that on or about August 5, 2010, Plaintiff served or caused to be served upon the Defendant written Demand for Possession of the subject real property pursuant to Section 6-5-251, Code of Alabama (1975). A copy of the aforesaid written Demand for Possession is attached hereto, incorporated by reference and designated as Exhibit "B".

5. Plaintiff avers that Defendant has lost his right to redeem the property.

6. Plaintiff avers that Defendant has failed and refused to vacate the aforesaid property despite Plaintiff's demands to do so.

WHEREFORE, PREMISES CONSIDERED Plaintiff demands possession of the aforesaid real property, together with money damages for the wrongful retention of said real property and an order that the Defendant has forfeited his right to redemption for failing to vacate the property plus such other, further and different relief Plaintiff is entitled under these premises and costs of court.

/s/ Greggory M. Deltach

Greggory M. Deltach (DEI001)
Attorney for Plaintiff
2311 Highland Avenue South
P.O. Box 55727
Birmingham, Alabama 35255
205.930.5225
Fax: 205.930.5101
E-Mail: gdeltsch@sirofe.com

OF COUNSEL:
SIROTE & PERMUTT, P.C.

PLAINTIFF'S ADDRESS:
c/o Sirote & Permutt, P.C.

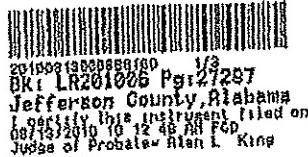
DEFENDANT'S ADDRESS:
Tyrone Stephenson
1805 Charendon Ave
Bessemer, AL 35020-5843

SEND TAX NOTICE TO:
Bank of America
7105 Corporate Drive, Mail Stop PTX-C-35
Plano, TX 75024

CM #: 63966

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

FORECLOSURE DEED

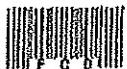
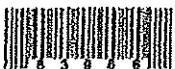


KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit: the 25th day of February, 2004, Tyrone Stephenson, an unmarried man, executed that certain mortgage on real property hereinafter described, to Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for America's Wholesale Lender, which said mortgage was recorded in the Office of the Judge of Probate of Jefferson County, Alabama, in Instrument Number 200400/6747, said mortgage having subsequently been transferred and assigned to Countrywide Home Loans Servicing, L.P., by instrument recorded in Book LR2009D3, Page 515, in the aforesaid Probate Office ("Transferee"); and

WHEREAS, in and by said mortgage, the Transferee was authorized and empowered in case of default in the payment of the indebtedness secured thereby, according to the terms thereof, to sell said property before the Courthouse door in the City of Bessemer, Jefferson County, Alabama, after giving notice of the time, place, and terms of said sale in some newspaper published in said County by publication once a week for three (3) consecutive weeks prior to said sale at public outcry for cash, to the highest bidder, and said mortgage provided that in case of sale under the power and authority contained in same, the Transferee or any person conducting said sale for the Transferee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the Transferee may bid at the sale and purchase said property if the highest bidder thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said BAC Home Loans Servicing, L.P. /&/ Countrywide Home Loans Servicing L.P. did declare all



of the indebtedness secured by said mortgage, subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in the Alabama Messenger, a newspaper of general circulation published in Jefferson County, Alabama, in its issues of July 3, 2010, July 10, 2010, and July 17, 2010; and

WHEREAS, on August 5, 2010, the day on which the foreclosure was due to be held under the terms of said notice, between the legal hours of sale, said foreclosure was duly conducted, and BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loans Servicing L.P. did offer for sale and sell at public outcry in front of the Courthouse door in Bessemer, Jefferson County, Alabama, the property hereinafter described; and

WHEREAS, Aaron Warner was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loans Servicing L.P.; and

WHEREAS, Fannie Mae a/k/a Federal National Mortgage Association, was the highest bidder and best bidder in the amount of Ninety-One Thousand Two Hundred Fifty-Three And 60/100 Dollars (\$91,253.60) on the indebtedness secured by said mortgage, the said BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loans Servicing L.P., by and through Aaron Warner as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby grant, bargain, sell and convey unto Fannie Mae a/k/a Federal National Mortgage Association, all of its right, title, and interest in and to the following described property situated in Jefferson County, Alabama, to-wit:

The Northwest 130 feet of Lot 10, Block 118, according to Bessemer Land Improvement Company Survey of the City of Bessemer, as recorded in Map Book 5, Page 75, in the Birmingham Division of the Probate Office of Jefferson County, Alabama; being situated in Jefferson County, Alabama, Bessemer Division.

TO HAVE AND TO HOLD the above described property unto Fannie Mae a/k/a Federal National Mortgage Association its successors/heirs and assigns, forever; subject, however, to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redem as provided by the laws in the State of Alabama; and also subject to all recorded mortgages, encumbrances, recorded or



unrecorded easements, liens, taxes, assessments, rights-of-way, and other matters of record in the aforesaid Probate Office.

IN WITNESS WHEREOF, BAC Home Loans Servicing, L.P. f/k/a Countrywide Home Loans Servicing L.P., has caused this instrument to be executed by and through Aaron Warner, as auctioneer conducting said sale and as attorney-in-fact for said Transferee, and said Aaron Warner, as said auctioneer and attorney-in-fact for said Transferee, has hereto set his/her hand and seal on this August 5, 2010.

Total of Fees and Taxes-\$12.00
HATCHERK

BAC Home Loans Servicing, L.P., f/k/a
Countrywide Home Loans Servicing L.P.

By:

Aaron Warner, Auctioneer and Attorney-in-Fact

STATE OF ALABAMA

COUNTY OF JEFFERSON 1

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Aaron Warner, acting in his/her capacity as auctioneer and attorney-in-fact for BAC Home Loans Servicing, L.P. /K/R/a Countrywide Home Loans Servicing L.P., is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he/she, as such auctioneer and attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Transferee acting in his/her capacity as auctioneer and Attorney-in-fact for said Transferee.

Given under my hand and official seal on this August 5, 2010.

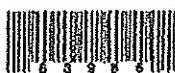
August 5, 2010.
Jennifer Russell Brown
Notary Public
My Commission Expires MAY 31, 2014

This instrument prepared by:

Andy Song
SIROTE & PERMUTT, P.C.
P. O. Box 55727
Birmingham, Alabama 35255-5727

STATE OF ALABAMA - JEFFERSON COUNTY
I hereby certify that no mortgage tax or deed tax
has been collected on this instrument.

John S. King Judge of Probate
"AND TAX COLLECTOR"



S I R O T E
— & —
P E R M U T T
A PROFESSIONAL CORPORATION

August 5, 2010

VIA CERTIFIED MAIL 7010 0290 0003 1189 1387 & 7010 0290 0003 1189 1394
RETURN RECEIPT REQUESTED
AND U.S. MAIL.

Tyrone Stephenson
2702 Granville Ave
Bessemer, AL 35020-5273

1805 Clarendon Ave
Bessemer, AL 35020-5843

DEMAND FOR POSSESSION

YOU ARE HEREBY NOTIFIED that, on August 5, 2010, the mortgage loan, secured by real estate located at 1805 Clarendon Ave, Bessemer, AL 35020-5843, was duly foreclosed in accordance with the Power of Sale contained therein. Federal National Mortgage Association is now the owner of the property. Your attention is respectfully directed to Section 6-3-251, Code of Alabama (1975), which reads as follows:

Delivery of Possession to Purchaser on Demand.

(a) The possession of the land must be delivered to the purchaser or purchaser's transferees by the debtor or mortgagor, if in their possession or in the possession of anyone holding under them by privity of title, within ten (10) days after written demand for the possession has been made by, or on behalf of, the purchaser or purchaser's transferees.

(b) If the land is in the possession of a tenant, written notice must be given to the debtor or mortgagor, and the debtor or mortgagor must direct the tenant to deliver possession or recognize the purchaser as his or her landlord in the event the lease antedates the mortgage, judgment or levy. If the debtor or mortgagor cannot be found, notice to the tenant is sufficient and he must deliver possession within ten (10) days.

(c) Failure of the debtor or mortgagor or anyone holding possession under him or her to comply with the provisions of this section forfeits the right of redemption of the debtor or one holding possession under the debtor.

In accordance with, and pursuant to, the statute set forth above, written demand is hereby made upon you to deliver possession of the above-described property to Federal National Mortgage Association within ten (10) days. Unless possession is delivered within ten (10) days as set forth herein, the debtor(s)' right of redemption will be forfeited.

63966 *Vacate* "Y"

Law Offices and Alternative Centers
2311 Highland Avenue South Birmingham, Alabama 35203
Post Office Box 55727 Birmingham, Alabama 35257-5727
URL | <http://www.sirote.com>

B i r m i n g h a m | H u n t s v i l l e | M o b i l e

This communication is from a debt collector. If you have any questions in regard to this matter, please feel free to contact our office at (205) 930-5200.

DATED THIS 5TH DAY OF AUGUST, 2010.

FOR: Federal National Mortgage Association

BY: _____
Jonathan Holtzclaw
Foreclosure Specialist

Jh/jh

cc: Bank of America/Loan #49237526

Our Offices and Mediation Centers
2311 HIGHLAND AVENUE SOUTH BIRMINGHAM, ALABAMA 35205
Post Office Box 55727 BIRMINGHAM, ALABAMA 35255-5727
URL | <http://www.bfmra.com>

B i r m i n g h a m | H u n t s v i l l e | M o b i l e

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION

Plaintiff,

VS.

TYRONE STEPHENSON
TYESHIA DONALD

*

*

*

* CASE NO.

*

* CV 2010-903289

*

*

Defendants.

AMENDED COMPLAINT

COMES NOW the Plaintiff in the above-styled cause and adopts and incorporates here and by reference all of the allegations and averments contained in plaintiff's original complaint and further amends by adding as a defendant Tyeshia Donald and for grounds and in support thereof says as follows:

That the defendant, Tyeshia Donald , currently occupies the real property made the basis of this action.

WHEREFORE, PREMISES CONSIDERED Plaintiff demands possession of the aforesaid real property.

/s/ Greggory M. Deitsch
Greggory M. Deitsch
Attorney for Plaintiff
2311 Highland Avenue South
P.O. Box 55727
Birmingham, Alabama 35255
205.930.5225
Fax: 205.930.5101
E-Mail: gdeitsch@sirote.com

OF COUNSEL:

SIROTE & PERMUTT, P.C.

PLAINTIFF'S ADDRESS:

o/o Sirote & Permutt, P.C.

ELECTRONICALLY FILED
9/9/2010 2:06 PM
CV-2010-903289-08
CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE MARIE ADAMS, CLERK


IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
(BESSEMER DIVISION)

| | |
|---|---|
| FEDERAL NATIONAL MORTGAGE ASSOCIATION, | * |
| Plaintiff, | * |
| TYRONE STEPHENSON, | * |
| Defendant. | * |

COMPLAINT

COMES NOW the Plaintiff in the above-styled cause and represents unto this Honorable Court as follows:

1. Plaintiff, Federal National Mortgage Association, is qualified to do business in Alabama and doing business in Jefferson County, Alabama.
2. Defendant, Tyrone Stephenson, is over the age of 19 years and is a resident citizen of Jefferson County, Alabama.
3. Plaintiff avers that by virtue of foreclosure on August 5, 2010, of that certain Mortgage originally between Tyrone Stephenson and Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for America's Wholesale Lender, said mortgage having subsequently been transferred and assigned to Countrywide Home Loans Servicing, L.P. and the property further purchased by Federal National Mortgage Association, Federal National Mortgage Association is the owner of the following-described real property located and situated in Jefferson County, Alabama, to wit:

The Northwest 130 feet of Lot 10, Block 118, according to Bessemer Land Improvement Company Survey of the City of Bessemer, as recorded in Map Book 5, Page 75, in the Birmingham Division of the Probate Office of Jefferson County, Alabama; being situated in Jefferson County, Alabama, Bessemer Division.

Also known as 1805 Clarendon Ave, Bessemer, AL 35020-3843

However in the event of a discrepancy between the legal description and street address, the legal description shall control.

A copy of the Foreclosure Deed is attached hereto, incorporated by reference and designated as Exhibit "A".

4. Plaintiff avers that on or about August 5, 2010, Plaintiff served or caused to be served upon the Defendant written Demand for Possession of the subject real property pursuant to Section 6-5-251 Code of Alabama (1975). A copy of the aforesaid written Demand for Possession is attached hereto, incorporated by reference and designated as Exhibit "B".

5. Plaintiff avers that Defendant has lost his right to redeem the property.

6. Plaintiff avers that Defendant has failed and refused to vacate the aforesaid property despite Plaintiff's demands to do so.

WHEREFORE, PREMISES CONSIDERED Plaintiff demands possession of the aforesaid real property, together with money damages for the wrongful retention of said real property and an order that the Defendant has forfeited his right to redemption for failing to vacate the property plus such other, further and different relief Plaintiff is entitled under these premises and costs of court.

/s/ Gregory M. Deltch
Gregory M. Deltch (DBJ001)
Attorney for Plaintiff
2311 Highland Avenue South
P.O. Box 55727
Birmingham, Alabama 35255
205.930.5225
Fax: 205.930.5101
E-Mail: gdeitsh@sirote.com

OR COUNSEL:
SIROTE & PERMUTT, P.C.

PLAINTIFF'S ADDRESS:
c/o Sirote & Permutt, P.C.

DEFENDANT'S ADDRESS:
Tyrone Stephenson
1805 Clarendon Ave
Bessemer, AL 35020-5843

SEND TAX NOTICE TO:
Bank of America
7105 Corporate Drive, Mail Stop PTX-C-35
Plano, TX 75024

CM #: 63966

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

FORECLOSURE DEED

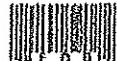
20100913225800159 1/3
Book LR201008 Pg 27207
Jefferson County, Alabama
Instrument No. 63966
Filed on 08/13/2010 by Michael Alan C. King
Judge of Probate - Michael Alan C. King

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, heretofore, on, to-wit the 25th day of February, 2004, Tyrone Stephenson, an unmarried man, executed that certain mortgage on real property hereinafter described to Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for America's Wholesale Lender, which said mortgage was recorded in the Office of the Judge of Probate of Jefferson County, Alabama, in Instrument Number 2004006747, said mortgage having subsequently been transferred and assigned to Countrywide Home Loans Servicing, L.P., by instrument recorded in Book LR200903, Page 515, in the aforesaid Probate Office ("Transferee"); and

WHEREAS, in and by said mortgage, the Transferee was authorized and empowered in case of default in the payment of the indebtedness secured thereby, according to the terms thereof, to sell said property before the Courthouse door in the City of Bessemer, Jefferson County, Alabama, after giving notice of the time, place, and terms of said sale in some newspaper published in said County by publication once a week for three (3) consecutive weeks prior to said sale at public outcry for cash, to the highest bidder, and said mortgage provided that in case of sale under the power and authority contained in same, the Transferee or any person conducting said sale for the Transferee was authorized to execute title to the purchaser at said sale; and it was further provided in and by said mortgage that the Transferee may bid at the sale and purchase said property if the highest bidder thereof; and

WHEREAS, default was made in the payment of the indebtedness secured by said mortgage, and the said BAC Home Loans Servicing, L.P. /a/k/a Countrywide Home Loans Servicing L.P., did declare all



of the indebtedness secured by said mortgage, subject to foreclosure as therein provided and did give due and proper notice of the foreclosure of said mortgage by publication in the Alabama Messenger, a newspaper of general circulation published in Jefferson County, Alabama, in its issues of July 3, 2010, July 10, 2010, and July 17, 2010; and

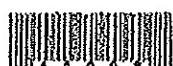
WHEREAS, on August 5, 2010, the day on which the foreclosure was due to be held, under the terms of said notice, between the legal hours of sale, said foreclosure was duly conducted, and BAC Home Loans Servicing, L.P. /k/a Countrywide Home Loans Servicing L.P. did offer for sale and sell at public outcry in front of the Courthouse door in Bessemer, Jefferson County, Alabama, the property hereinafter described; and

WHEREAS, Aaron Warner was the auctioneer who conducted said foreclosure sale and was the person conducting the sale for the said BAC Home Loans Servicing, L.P. /k/a Countrywide Home Loans Servicing L.P.; and

WHEREAS, Fannie Mae a/k/a Federal National Mortgage Association, was the highest bidder and best bidder in the amount of Ninety-One Thousand Two Hundred Fifty-Three And 60/100 Dollars (\$91,253.60) on the indebtedness secured by said mortgage, the said BAC Home Loans Servicing, L.P. /k/a Countrywide Home Loans Servicing L.P., by and through Aaron Warner as auctioneer conducting said sale and as attorney-in-fact for said Transferee, does hereby grant, bargain, sell and convey unto Fannie Mae a/k/a Federal National Mortgage Association, all of its right, title, and interest in and to the following described property situated in Jefferson County, Alabama, to-wit:

The Northwest 130 feet of Lot 10, Block 118, according to Bessemer Land Improvement Company Survey of the City of Bessemer, as recorded in Map Book 5, Page 75, in the Birmingham Division of the Probate Office of Jefferson County, Alabama; being situated in Jefferson County, Alabama, Bessemer Division.

TO HAVE AND TO HOLD the above described property unto Fannie Mae a/k/a Federal National Mortgage Association its successors/heirs and assigns, forever; subject, however, to the statutory rights of redemption from said foreclosure sale on the part of those entitled to redeem as provided by the laws in the State of Alabama; and also subject to all recorded mortgages, encumbrances, recorded or



unrecorded easements, liens, taxes, assessments, rights-of-way, and other matters of record in the aforesaid Probate Office.

IN WITNESS WHEREOF, BAC Home Loans Servicing, L.P., f/k/a Countrywide Home Loans
Servicing L.P., has caused this instrument to be executed by and through Aaron Warner, as auctioneer
conducting said sale and as attorney-in-fact for said Transferee, and said Aaron Warner, as said
attorney and attorney-in-fact for said Transferee, has hereunto set his/her hand and seal on this August, S.
2010.

Total of Fees and Taxes-\$12.00
HATCHMARK

BAC Home Loans Servicing, L.P., f/k/a
Countrywide Home Loans Servicing L.P.

Bye

Aaron Warner, Attorney and Attorney-in-Fact

STATE OF ALABAMA >

COUNTY OF JEFFERSON }

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Aaron Warner, acting in his/her capacity as auctioneer and attorney-in-fact for BAC Home Loans Servicing, L.P., f/k/a Countrywide Home Loans Servicing L.P., is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this date, that being informed of the contents of the conveyance, he/she, as such auctioneer and attorney-in-fact and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said Transferee acting in his/her capacity as auctioneer and Attorney-in-fact for said Transferee,

Glynn makes my hand and official seal on this August 5, 2010.

JENNIFER RUSSELL BORN

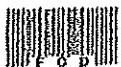
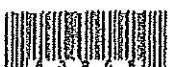
Notary Public **MY COMMISSION EXPIRES MAY 24, 2014**
My Commission Expires: _____

This instrument prepared by:

Andy Sang
SIROTB & PERRMUTT, P.C.
P. O. Box 55727
Birmingham, Alabama 35255-5727

STATE OF ALABAMA - Jefferson County
I hereby certify that no mortgage tax or deed tax
is due and payable on this instrument.

Alan S. Finch Judge of Probate
"NO TAX COLLECTED"





August 5, 2010

VIA CERTIFIED MAIL 7010 0290 0003 1189 1387 & 7010 0290 0003 1189 1394
RETURN RECEIPT REQUESTED
AND U.S. MAIL

Tyrone Stephenson
2702 Granville Ave
Bessemer, AL 35020-5273

1805 Clarendon Ave
Bessemer, AL 35020-5843

DEMAND FOR POSSESSION

YOU ARE HEREBY NOTIFIED that, on August 5, 2010, the mortgage loan, secured by real estate located at 1805 Clarendon Ave, Bessemer, AL 35020-5843, was duly foreclosed in accordance with the Power of Sale contained therein. Federal National Mortgage Association is now the owner of the property. Your attention is respectfully directed to Section 6-5-251, Code of Alabama (1975), which reads as follows:

Delivery of Possession to Purchaser on Demand.

(a) The possession of the land must be delivered to the purchaser or purchaser's transferees by the debtor or mortgagor, if in their possession or in the possession of anyone holding under them by privity of title, within ten (10) days after written demand for the possession has been made by, or on behalf of, the purchaser or purchaser's transferees.

(b) If the land is in the possession of a tenant, written notice must be given to the debtor or mortgagor, and the debtor or mortgagor must direct the tenant to deliver possession or recognize the purchaser as his or her landlord in the event the lease antedates the mortgage, judgment or levy. If the debtor or mortgagor cannot be found, notice to the tenant is sufficient and he must deliver possession within ten (10) days.

(c) Failure of the debtor or mortgagor or anyone holding possession under him or her to comply with the provisions of this section forfeits the right of redemption of the debtor or one holding possession under the debtor.

In accordance with, and pursuant to, the statute set forth above, written demand is hereby made upon you to deliver possession of the above-described property to Federal National Mortgage Association within ten (10) days. Unless possession is delivered within ten (10) days as set forth herein, the debtor(s)' right of redemption will be forfeited.

LAW OFFICES AND MEMBERSHIP CHART

63966 *Vacate* *Y*

2311 Homewood Avenue South BIRMINGHAM, ALABAMA 35205

P.O. Box 55227 BIRMINGHAM, ALABAMA 35255-5727

URL | <http://www.sirote.com>

BIRMINGHAM | HUNTSVILLE | MOBILE

This communication is from a debt collector. If you have any questions in regard to this matter, please feel free to contact our office at (205) 930-5200.

DATED THIS 5TH DAY OF AUGUST, 2010.

FOR: Federal National Mortgage Association

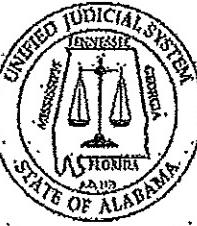
BY: Jonathan Holtzclaw
Foreclosure Specialist

jh/jh

cc: Bank of America/Loan #49237526

Our Offices and Agency Centers
2311 Highland Avenue Suite 200B Birmingham, ALABAMA 35208
Post Office Box 55717 Huntsville, ALABAMA 35259-5717
URL: <http://house-htrac.com>

BIRMINGHAM | HUNTSVILLE | MOBILE



AlaFile E-Notice

01-CV-2010-903289.00

To: GREGG DEITSCH
gdeitsch@sirole.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

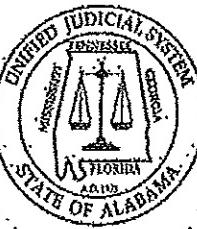
FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

The following complaint was FILED on 9/13/2010 2:48:01 PM

Notice Date: 9/13/2010 2:48:01 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5955
anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-803289.00

To: STEPHENSON TYRONE (PRO SE)
1805 CLARENDON AVE
BESSEMER, AL 35020

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

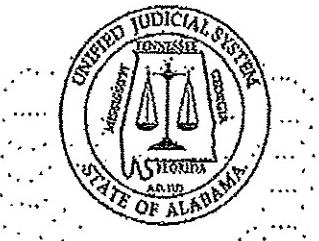
FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-803289.00

The following complaint was FILED on 9/13/2010 2:48:01 PM

Notice Date: 9/13/2010 2:48:01 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-925-6955
anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-903289.00

To: DEITSCH GREGGORY MICHAEL
gdeltsch@sirate.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

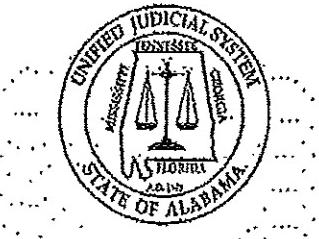
The following complaint was FILED on 9/13/2010 2:48:01 PM

Notice Date: 9/13/2010 2:48:01 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov

| | | |
|---|---------------------------------------|--------------------------------------|
| State of Alabama Unified Judicial System Form C-34 Rev 6/86 | SUMMONS - CIVIL - | Case Number: 01-CV-2010-908289.00 |
| IN THE CIVIL COURT OF JEFFERSON, ALABAMA FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON | | |
| NOTICE TO TYESHA DONALD, 1805 CLARENCE AVENUE, BIRMINGHAM, AL 35202 <hr/> THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPONING PARTY'S ATTORNEY, GREGG DEITSCH WHOSE ADDRESS IS 2311 HIGHLAND AVENUE SOUTH, BIRMINGHAM, AL 35205 <hr/> THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure: <hr/> <p> <input checked="" type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant <input type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of the Civil Procedure </p> | | |
| 9/13/2010 2:48:01 PM Date | /s ANNE-MARIE ADAMS Clerk/Register | By _____ |
| <input type="checkbox"/> Certified mail is hereby requested _____ Plaintiff's/Attorney's Signature _____ | | |
| RETURN ON SERVICE: <input type="checkbox"/> Return receipt of certified mail received in this office on _____ <input type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to _____ _____ In _____ County, Alabama on _____ | | |
| Date _____ | Server's Signature _____ | |



AlaFile E-Notice

01-CV-2010-803289.00

Judge: ROBERT S. VANCE

To: DEITSCH GREGGORY MICHAEL
gdeitsch@slrote.com

NOTICE OF NO SERVICE

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION V. TYRONE STEPHENSON
01-CV-2010-803289.00

The following matter was not served on 9/9/2010

D001 STEPHENSON TYRONE

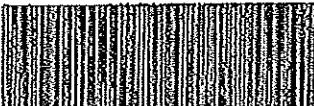
OTHER

FOUND TENANT/DID NOT SERVE

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-6358

anne.marie.adams@alacourt.gov

| | | |
|--|---------------------------------------|--|
| State of Alabama Unified Judicial System Form D-24 Rev 8/88 | SUMMONS - CIVIL - | Case Number: 01-CV-2010-903289.00 |
| IN THE CIVIL COURT OF JEFFERSON, ALABAMA FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON | | |
| NOTICE TO: <u>TYESHIA DONALD, 1895 CLARENCE AVENUE, BUSSEMER, AL 35220</u> <p>THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPONING PARTY'S ATTORNEY GREGG DEITSCH WHOSE ADDRESS IS 2311 HIGHLAND AVENUE SOUTH, BIRMINGHAM, AL 35205</p> <p>THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.</p> <p>TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure;</p> | | |
| <p><input checked="" type="checkbox"/> You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.</p> <p><input type="checkbox"/> Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of the Civil Procedure</p> | | |
| 9/13/2010 2:30:01 PM Date | /s ANNE-MARIE ADAMS Clerk/Register | FILED IN OFFICE By <u>SEP 23 2010</u> <u>ANNE-MARIE ADAMS</u> <u>Clerk</u> |
| <p><input type="checkbox"/> Certified mail is hereby requested</p> <p>Plaintiff/Attorney's Signature</p> | | |
| <p>RETURN ON SERVICE:</p> <p><input type="checkbox"/> Return receipt of certified mail received in this office on _____</p> <p><input checked="" type="checkbox"/> I certify that I personally delivered a copy of the Summons and Complaint to <u>Tyeshia Donald</u> in <u>Jefferson</u>, County, Alabama on <u>9/17/2010</u>.</p> <p>Date <u>9/17/2010</u> Signature <u>Joe Allen</u> Plaintiff's Signature</p> | | |
| <p style="text-align: right;">JOE ALLEN 189 MIZE DRIVE ODENVILLE, AL 35120 (205) 828-7788 (205) 828-5596</p> <p style="text-align: center;">01-CV-2010-903289.00 FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON</p> <p>C001 - FEDERAL NATIONAL MORTGAGE AS v. D002 - TYESHIA DONALD</p> <p>Plaintiff Defendant</p> | | |
|  01-CV-2010-903289.00 D002 | | |
| SERVICE RETURN COPY | | |

| | | | |
|--|--|---|------|
| STATE OF ALABAMA Unified Judicial System 01-JEFFERSON • BIRMINGHAM | | Revised 3/6/08 | Cas |
| | | <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court | CV26 |
| FEDERAL NATIONAL MORTGAGE ASSOCIATION V. TYRONE STEPHENSON | | CIVIL MOTION COVER SHEET | |
| <i>Name, Address, and Telephone No. of Attorney or Party, If Not Represented,</i> WESLEY L PHILLIPS P.O. Box 190498 Birmingham, AL 35218 Attorney Bar No.: PHI053 | | <i>Name of Filing Party:</i> D002 - DONALD YESHIA | |
| | | <input type="checkbox"/> Oral Arguments Requested | |
| TYPE OF MOTION | | | |
| Motions Requiring Fee | | Motions Not Requiring Fee | |
| <input type="checkbox"/> Default Judgment (\$60.00) Joiner In Other Party's Dispositive Motion (i.e. <input type="checkbox"/> Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$60.00) | | <input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joiner <input type="checkbox"/> More Definite Statement <input checked="" type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw <input type="checkbox"/> Other _____ pursuant to Rule _____ | |
| <input type="checkbox"/> Motion to Intervene (\$297.00) <input type="checkbox"/> Other _____ pursuant to Rule _____ (\$60.00) | | | |
| <p>*Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees.</p> <p><input type="checkbox"/> Local Court Costs \$ _____</p> | | | |
| (Subject to Filing Fee) | | | |
| Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1976), governmental entities are exempt from payment of filing fees) <input type="checkbox"/> | | Date: 10/11/2010 4:26:08 PM | |
| | | Signature of Attorney or Party: /s/ WESLEY L PHILLIPS | |

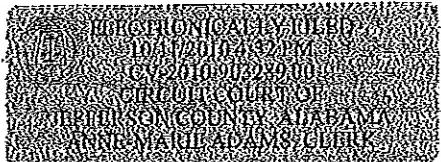
Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or I you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1, Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees)

Date:

Signature of Attorney or Party:
/s WESLEY L PHILLIPS

***This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.**

“Motions titled ‘Motion to Dismiss’ that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgment are subject to filing fee.”



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION

FEDERAL NATIONAL MORTGAGE ASSOC,)
Plaintiff,)
vs,)
TYRONE STEPHENSON AND)
TYESHIA DONALD,)
Defendants.)

Case No.: CV-10-903289

MOTION TO DISMISS PURSUANT TO ALA. R. CIV. P. RULES 12(b)(1), (2), (3), & (6)

COME NOW Defendants Tyrone Stephenson and Tyeshia Donald in the above-styled matter and move this Honorable Court to dismiss the above-styled action due to Plaintiff's failure to properly invoke the Court's jurisdiction over them, and in support of their motion state and show the Court the following:

1. Plaintiff filed a Summons and Complaint in this matter in the Birmingham Division of the Jefferson County Circuit Court on September 9, 2010 and an Amended Complaint, to add Tyeshia Donald, as a party defendant on September 13, 2010.
2. Plaintiff asserts Ms. Donald was served with the Amended Summons and Complaint on September 17, 2010.
3. Defendants' address as listed on the Summons, Complaint, and the purported foreclosure deed as 1805 Clarendon Avenue, Bessemer, Alabama 35020.
4. Neither the real property at issue in this matter nor Defendants are located within the jurisdiction of the Birmingham Division of the Jefferson County Circuit Court and Plaintiff and Plaintiff's counsel has filed the instant lawsuit to collect upon a debt in the improper venue.

5. Rule 12(b), Ala. R. Civ. P. states certain defenses should be made by motion in the first responsive pleading.

6. Defendants assert this action is to due to be dismissed under Rules 12(b)(1), (2), (3), and (6) of the Alabama Rules of Civil Procedure.

7. The real property at issue in this matter is located in Bessemer, the named defendants in this action reside in Bessemer, and any action regarding said real property and/or the defendants is due to be adjudicated in the Bessemer Division of the Jefferson County Circuit Court.

8. “[T]he court at Bessemer has exclusive jurisdiction of all civil actions at law upon causes of action arising in the territorial jurisdiction of that court, and such jurisdiction is limited to suits upon causes of action arising within such territory.” Ex parte Central of Georgia Railway Co., 10 So.2d 746, 750 (1942).

9. “An action must be brought in Bessemer if it ‘arises’ within the territorial boundaries of the Bessemer Cutoff.” Ex parte Alabama Mobile Homes, Inc., 468 So.2d 156, 161-62 (Ala. 1985) citing Local Act No. 213, § 2, p. 62, Ala. Acts 1919.

10. Accordingly, the real property at issue in the instant action being located in Bessemer, and the instant lawsuit having been filed in the Birmingham Division of the Jefferson County Circuit Court, the issue is the Court’s lack of jurisdiction over this matter, and this matter is due to be dismissed as Plaintiff has failed to properly invoke the jurisdiction of this Court over the subject matter as stated in Rule 12(b)(1) and/or over the defendants as stated in Rule 12(b)(2) of the Alabama Rules of Civil Procedure.

11. Further, having filed this action in the Birmingham Division when it clearly should have been filed in the Bessemer Division, this matter has been filed in an improper venue and is due to be dismissed under Rule 12(b)(3) of the Alabama Rules of Civil Procedure.

12. Finally, since the entire action lacks jurisdiction over the subject matter and the defendants due to being filed in an improper venue the lawsuit fails to state a claim upon which relief can be granted under Rule 12(b)(6) of the Alabama Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Defendants move this Honorable Court to dismiss this action under Rules 12(b)(1), (2), (3), and (6) of the Alabama Rules of Civil Procedure based upon Plaintiff's failure to properly invoke the jurisdiction of the Court over them, the subject matter involved in this action, and by filing this action in the improper venue.

Respectfully submitted this 11th day of October, 2010.

s/Wesley L. Phillips
Wesley L. Phillips (PHI053)
Attorney for Defendant

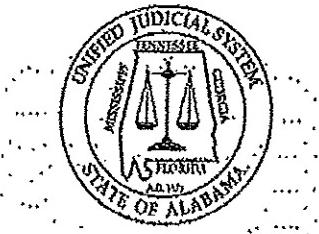
OF COUNSEL:
PHILLIPS LAW GROUP, LLC
Post Office Box 130488
Birmingham, Alabama 35213-0488
Telephone: (205) 383-3585
Facsimile: (800) 536-0385

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document has been served on all parties/attorney(s) of record via either U.S. Mail, postage prepaid, or electronic mail through the AlaFile system this 11th day of October, 2010.

Greggory M. Deitsch
SIROTE PERMUTT
PO Box 55727
Birmingham, AL 35255

s/Wesley L. Phillips
OF COUNSEL



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: WESLEY L PHILLIPS
wlp@wphillipslaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

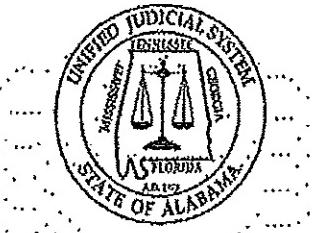
The following matter was FILED on 10/11/2010 4:32:54 PM

D002 DONALD TYESHIA
D001 STEPHENSON TYRONE
MOTION TO DISMISS PURSUANT TO RULE 12(B)
[Attorney: PHILLIPS WESLEY LEVON]

Notice Date: 10/11/2010 4:32:54 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5365
anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: STEPHENSON TYRONE (PRO SE)
1805 CLARENDON AVE
BESSEMER, AL 35020

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

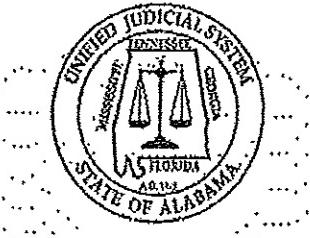
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[Attorney: PHILLIPS WESLEY LEVON]

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ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: DONALD TYESHIA (PRO SE)
1805 CLARENDON AVENUE
BESSEMER, AL 35020

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

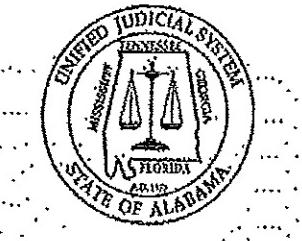
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D001 STEPHENSON TYRONE
MOTION TO DISMISS PURSUANT TO RULE 12(B)
[Attorney: PHILLIPS WESLEY LEVON]

Notice Date: 10/11/2010 4:32:54 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5365
anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: DEITSCH GREGGORY MICHAEL
gdeltech@slrote.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

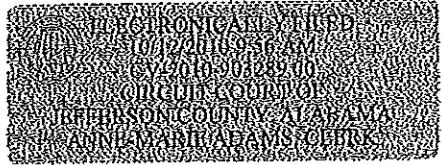
The following matter was FILED on 10/11/2010 4:32:54 PM

D002 DONALD TYESHIA
D001 STEPHENSON TYRONE
MOTION TO DISMISS PURSUANT TO RULE 12(B)
[Attorney: PHILLIPS WESLEY LEVON]

Notice Date: 10/11/2010 4:32:54 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5365
anne-marie.adams@alacourt.gov



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION

FEDERAL NATIONAL)
MORTGAGE ASSOCIATION,)
Plaintiffs,)
)
V.) Case No.: CV-2010-903289.00
)
STEPHENSON TYRONE,)
DONALD TYESHIA,)
Defendants.)

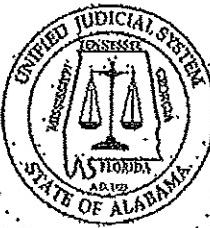
ORDER

Pending is the defendants' MOTION TO DISMISS, which seeks the transfer of this action to the Bessemer Division. The plaintiff is given leave to respond by October 19, 2010, at which time the matter will be taken under submission.

ComponentOne Q1PDF (Evaluation Version)

DONE this 12th day of October, 2010.

/s ROBERT S. VANCE
CIRCUIT JUDGE



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: DEITSCH GREGGORY MICHAEL
gdeltech@sirote.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

A court action was entered in the above case on 10/12/2010 9:56:26 AM

D002 DONALD TYESHIA

D001 STEPHENSON TYRONE

MOTION TO DISMISS PURSUANT TO RULE 12(B)

[Attorney: PHILLIPS WESLEY LEVON]

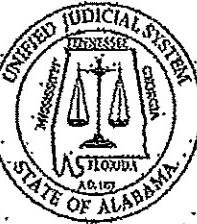
Disposition: PENDING

Judge: RSV

Notice Date: 10/12/2010 9:56:26 AM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35208

205-926-5355
anne.marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: PHILLIPS WESLEY LEVON
Wp@wphillipslaw.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

A court action was entered in the above case on 10/12/2010 9:56:25 AM

D002 DONALD TYESHIA

D001 STEPHENSON TYRONE

MOTION TO DISMISS PURSUANT TO RULE 12(B)

[Attorney: PHILLIPS WESLEY LEVON]

Disposition: PENDING
Judge: RSV

Notice Date: 10/12/2010 9:56:25 AM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov

| STATE OF ALABAMA Unified Judicial System 01-JEFFERSON - BIRMINGHAM | | Revised 3/6/08 | Case No.: CV-2010-003389-00 |
|--|---|--|--|
| <input type="checkbox"/> District Court <input checked="" type="checkbox"/> Circuit Court | | | Circuit Court of Jefferson County, Alabama ATTALA, COVINGTON, DECATUR, FRANKLIN, JASPER, LEE, MADISON, MARION, MUSKOGEE, PELL CITY, TALLADEGA, TALLAHASSEE, TATE, TROY, WALKER, WILCOX COUNTIES |
| FEDERAL NATIONAL MORTGAGE ASSOCIATION V. TYRONE STEPHENSON | | CIVIL MOTION COVER SHEET | |
| <i>Name, Address, and Telephone No. of Attorney or Party, if Not Represented.</i> GREGG DEITSCH 2311 HIGHLAND AVENUE SOUTH BIRMINGHAM, AL 35205 <i>Attorney Bar No., DEI001</i> | | <i>Name of Filing Party:</i> C001 - FEDERAL NATIONAL MORTGAGE AS | |
| | | <input type="checkbox"/> Oral Arguments Requested | |
| TYPE OF MOTION | | | |
| Motions Requiring Fee | Motions Not Requiring Fee | | |
| <input type="checkbox"/> Default Judgment (\$60.00) Joiner in Other Party's Dispositive Motion (i.e. <input type="checkbox"/> Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$60.00) | <input type="checkbox"/> Add Party <input type="checkbox"/> Amend <input type="checkbox"/> Change of Venue/Transfer <input type="checkbox"/> Compel <input type="checkbox"/> Consolidation <input type="checkbox"/> Continue <input type="checkbox"/> Deposition <input type="checkbox"/> Designate a Mediator <input type="checkbox"/> Judgment as a Matter of Law (during Trial) <input type="checkbox"/> Disburse Funds <input type="checkbox"/> Extension of Time <input type="checkbox"/> In Limine <input type="checkbox"/> Joiner <input type="checkbox"/> More Definite Statement <input type="checkbox"/> Motion to Dismiss pursuant to Rule 12(b) <input type="checkbox"/> New Trial <input type="checkbox"/> Objection of Exemptions Claimed <input type="checkbox"/> Pendente Lite <input type="checkbox"/> Plaintiff's Motion to Dismiss <input type="checkbox"/> Preliminary Injunction <input type="checkbox"/> Protective Order <input type="checkbox"/> Quash <input type="checkbox"/> Release from Stay of Execution <input type="checkbox"/> Sanctions <input type="checkbox"/> Sever <input type="checkbox"/> Special Practice in Alabama <input type="checkbox"/> Stay <input type="checkbox"/> Strike <input type="checkbox"/> Supplement to Pending Motion <input type="checkbox"/> Vacate or Modify <input type="checkbox"/> Withdraw | | |
| <input type="checkbox"/> Motion to Intervene (\$297.00) <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other Motion to Transfer pursuant to Rule _____ unknown (Subject to Filing Fee) | | |
| <small>*Motion fees are enumerated in §12-19-71(e). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees.</small> | | | |
| <input type="checkbox"/> Local Court Costs \$ _____ | | | |
| Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §8-6-1 Code of Alabama 1975, governmental entities are exempt from payment of filing fees) <input type="checkbox"/> | | | |
| Date: | Date: 10/18/2010 2:43:50 PM | | |
| | | Signature of Attorney or Party: /s GREGG DEITSCH | |

Check here if you have filed or are filing
contemporaneously with this motion an Affidavit of
Substantial Hardship or if you are filing on behalf of an
agency or department of the State, county, or municipal
government. (Pursuant to §8-6-1 Code of Alabama
(1973), governmental entities are exempt from
prepayment of filing fees)

Date:

Signature of Attorney or Party:
/s GREGG DEITSCH

**This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.*

****Motions titled "Motion to Dismiss" that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgment are subject to filing fee.**

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE *
ASSOCIATION *

Plaintiff,

VS.

TYRONE STEPHENSON
TYESHIA DONALD,

Defendants.

CASE NO. CV 2010-903289

MOTION TO TRANSFER

Now comes the Plaintiff in the above styled cause and moves to transfer this case to the Jefferson County, Bessemer Division, and for grounds in support thereof says as follows:

1. This is a complaint in ejectment. The real property made the basis of this action is located in the Jefferson County, Bessemer Division.
2. The action was inadvertently filed in the Circuit Court of Jefferson County, Birmingham Division.

s/ Greggory M. Deitsch

Greggory M. Deitsch (DBI001)
Attorney for Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, Alabama 35250
Direct: 205.930.5225
Fax: 205.930.5101
(DEI001)
E-mail: gdeitsch@sirote.com

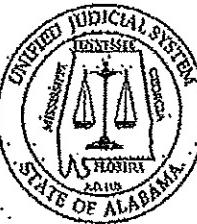
OF COUNSEL
SIROTE & PERMUTT, P.C.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion To Transfer has been electronically filed with service of the foregoing pleading served on this 13th day of October, 2010, to all counsel of record listed below:

Wesley L. Phillips
Phillips Law Group, LLC
P.O. Box 130488
Birmingham, AL 35213

s/ Greggory M. Deltach



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: GREGG DEITSCH
gdeltech@sirote.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

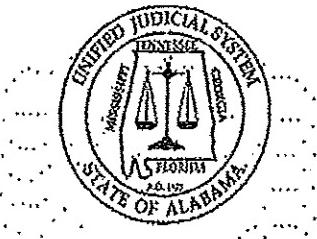
The following matter was FILED on 10/13/2010 2:44:18 PM

C001 FEDERAL NATIONAL MORTGAGE ASSOCIATION
MOTION TO TRANSFER
[Attorney: DEITSCH GREGORY M]

Notice Date: 10/13/2010 2:44:18 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: DEITSCH GREGGORY MICHAEL
gdeitsch@slrote.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

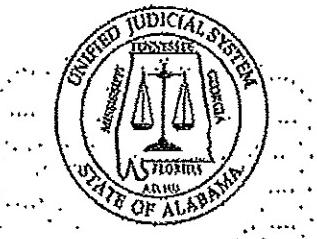
The following matter was FILED on 10/13/2010 2:44:18 PM

C001 FEDERAL NATIONAL MORTGAGE ASSOCIATION
MOTION TO TRANSFER
[Attorney: DEITSCH GREGGORY MJ]

Notice Date: 10/13/2010 2:44:18 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5356
anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: PHILLIPS WESLEY LEVON
Wp@wphillipslaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

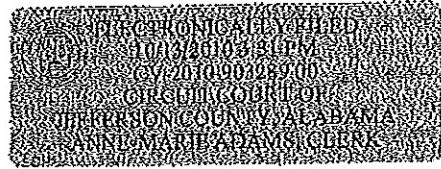
The following matter was FILED on 10/18/2010 2:44:18 PM

C001 FEDERAL NATIONAL MORTGAGE ASSOCIATION
MOTION TO TRANSFER
(Attorney: DEITSCH GREGGORY M)

Notice Date: 10/18/2010 2:44:18 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-828-5355
anne-marie.adams@alacourt.gov



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION

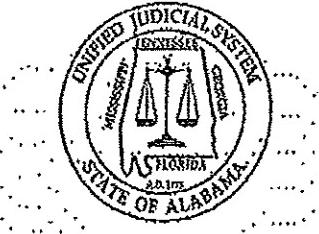
FEDERAL NATIONAL MORTGAGE)
ASSOCIATION,
Plaintiffs,)
V.) Case No.: CV-2010-903289.00
STEPHENSON TYRONE,)
DONALD TYESHIA,)
Defendants.)

ORDER

MOTION TO TRANSFER filed by FEDERAL NATIONAL MORTGAGE ASSOCIATION is hereby GRANTED. The Clerk of the Court is directed to make prompt arrangements for the transfer of this action to the Bessemer Division.

DONE this 13th day of October, 2010.

/s ROBERT S. VANCE
CIRCUIT JUDGE



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: DEITSCH GREGGORY MICHAEL
gdeitsch@sfrate.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

A court action was entered in the above case on 10/13/2010 3:32:00 PM

C001 FEDERAL NATIONAL MORTGAGE ASSOCIATION

OTHER

[Attorney: DEITSCH GREGGORY M]

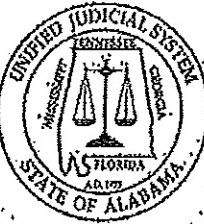
Disposition: GRANTED

Judge: RSV

Notice Date: 10/13/2010 3:32:00 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov



AlaFile E-Notice

01-CV-2010-903289.00

Judge: ROBERT S. VANCE

To: PHILLIPS WESLEY LEVON
Wlp@wphillipslaw.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FEDERAL NATIONAL MORTGAGE ASSOCIATION v. TYRONE STEPHENSON
01-CV-2010-903289.00

A court action was entered in the above case on 10/13/2010 3:32:00 PM

C001 FEDERAL NATIONAL MORTGAGE ASSOCIATION

OTHER

[Attorney: DEITSCH GREGORY M]

Disposition: GRANTED
Judge: RSV

Notice Date: 10/13/2010 3:32:00 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM, AL 35203

205-825-5355
anne-marie.adams@alacourt.gov

ANNE-MARIE ADAMS
CLERK OF THE CIRCUIT COURT
TENTH JUDICIAL CIRCUIT OF ALABAMA
400 JEFFERSON COUNTY COURTHOUSE
BIRMINGHAM, ALABAMA 35203

DATE: November 2, 2010

TO: Clerk of Bessemer Division

RE: CV 2010-903289 Federal Natl Mortgage vs Stephenson Tyrone & Donald Tyeshia

Dear Clerk:

The following case has been transferred to your county, pursuant to Judge Vance's order dated October 13, 2010. The following documents are included:

1. Cover letter
2. Payment history

The electronically filed case is as it appears in the AlaCourt system.

When you receive this transfer, please immediately send notification to pamela.smith@alacourt.gov. If you have any questions, please call (205) 325-5355.

Sincerely,

Anne-Marie Adams

Anne-Marie Adams
Circuit Clerk

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION

FEDERAL NATIONAL MORTGAGE)
ASSOCIATION,
Plaintiffs,

v.

STEPHENSON TYRONE,
DONALD TYESHIA,
Defendants.

} Case No.: CV-2010-903289.00

ORDER

MOTION TO TRANSFER filed by FEDERAL NATIONAL MORTGAGE ASSOCIATION is hereby GRANTED. The Clerk of the Court is directed to make prompt arrangements for the transfer of this action to the Bessemer Division.

DONE this 13th day of October, 2010.

/s/ ROBERT S. VANCE
CIRCUIT JUDGE